



RIGHT-OF-WAY EXCAVATION-REVOCABLE ENCROACHMENT AND UTILITY CONNECT PERMIT

~ ~ ~ T E R M S A N D C O N D I T I O N S ~ ~ ~

360 Main Street • Delta, Colorado 81416 • Phone (970) 874-7913 • Fax (970) 874-6931 • Website: www.delta-co.gov
FOR MORE INFORMATION CONTACT OUR PUBLIC WORKS DEPARTMENT: PH (970) 874-7912 ~ JIM HATHEWAY, DIRECTOR

1. Permit fee for excavation is \$30.00.
2. No work shall be conducted on City property without an approved permit.
3. All work shall be done subject to and in accordance with the requirements of this Permit, City Code and ordinances, City standards and specifications and good engineering practices. Work shall be completed during normal working hours which are 8:00 a.m. to 5:00 p.m. Monday through Friday. No work may be performed on the weekend other than emergencies. During all emergency situations you must contact dispatch at (970) 874-2015.

***ROAD CUT MAINTENANCE**

Permittee shall continually maintain all road cuts until repaired to City satisfaction. No road cut shall be allowed to develop ruts, holes, edge drop-offs or other hazardous conditions for the driving public. Permittee shall correct all maintenance deficiencies within 24 hours of being notified by the City representative.

***ROAD CUT REPAIRS**

Permittee shall repair all road cuts within the timeframe agreed to by the City and shall be guaranteed for one year from the date of acceptance. The road section to be replaced shall match the existing road section, but in no case shall there be less than 8" of Class VI material and 3" of asphalt. All deficiencies found in the repair work shall be corrected within 7 calendar days of being notified by the City representative.

***ROAD CUT TIMING**

Permittee shall not start a project requiring a road cut when the timing of the road cut will prevent it from being repaired in a timely and adequate manner. This includes seasonal and market considerations, unless approved in advance by the City.

***CORRECTIVE ACTION BY THE CITY**

If the permittee fails to make corrections within the identified time frame, the City will take corrective action and bill the cost back to the permittee as shown below. (This does not apply to excavation permits where the permittee has opted to pay the City to repair the road cuts.)

- If the work is completed by a contracted source, the cost will be billed back to the developer/permittee at cost plus 10%.
- If the work is completed by City crews the developer/permittee will be billed \$150/hour plus material cost.

4. Permittee shall submit completed application *including drawn plan(s) to the City of Delta. The Public Works Department will review application and notify applicant once approved. Once approved, payment for the excavation permit and bond are due. A minimum of 48 hours notice to the Public Works Dept. is required prior to the start of excavation. If start date/time change the permittee shall notify the Public Works Department no later than 48 hours prior to change.
5. Prior to commencing excavation, Permittee shall notify UNCC at 1-800-922-1987 for location of utilities. Marking tape shall be placed 12 inches above all buried utility lines and pipes or as otherwise required by City specifications. Unless otherwise approved by the City, utility lines and pipes shall be perpendicular or parallel to right-of-way lines. (48 hour process)
6. Any utilities, facilities, improvements which are disturbed or damaged by the work shall be repaired at the Permittee's cost. The surface area shall be restored to its prior condition. Street and sidewalk surfaces and sub-surface which are cut or disturbed shall be restored to their preexisting conditions. Backfill, compaction and gravel requirements are set out in City specifications. **Cost for City asphalt replacement is \$5.00 per square foot.** City will determine an estimate amount to be paid prior to permit completion.
7. Allowance shall be made to avoid interrupting the flow in any drainage ditches, flumes, canals or similar facilities, and to notify affected owners of the facilities.



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8. The work shall be completed, excavations properly backfilled, the surface restored and all damages repaired within 48 hours after commencing work unless otherwise authorized by the City. Thereafter, the City may cause the work to be completed; excavation backfilled, surfaces restored and damages repaired and collect the cost of so doing from the Permittee. **Thereafter, no further work is authorized without an additional permit.**
9. No cleated or tracked equipment shall work on any pavement without mats or other appliances adequate to prevent damage to such surfaces.
10. Signs and barricades and other safety provisions shall be provided by the Permittee, and comply with Part VI of the Manual of Uniform Traffic Control Devices. The Permittee shall notify the school district, bus service, ambulance district, fire district and Police Department.
11. The City shall have access to the work site at all times to inspect the progress of the work. The City may stop the work on account of violations of the terms of this Permit to insure safety or traffic movement and may require the surface and subsurface to be restored. No more than one half of a street may be blocked at one time without specific City permission.

>>>A TRAFFIC CONTROL PLAN WILL NEED TO BE SUBMITTED TO THE CITY FOR ANY WORK THAT WILL ENCROACH INTO THE DRIVING LANE OR IMPEDE TRAFFIC. THE PLAN WILL SHOW HOW TRAFFIC AND PEDESTRIANS WILL SAFELY PASS THROUGH ALL WORK AREAS AND DELINEATE ALL SIGNAGE AND FLAGGERS THAT ARE NEEDED. THE PERMITTEE WILL BE RESPONSIBLE FOR ALL TRAFFIC CONTROL REQUIREMENTS. PERMITTEE WILL NOT BE ALLOWED TO BEGIN WORK UNTIL ALL TRAFFIC CONTROL IS IN PLACE AND REVIEWED BY THE CITY.<<<

12. Compliance with the terms of this Permit is guaranteed by a Performance or Contract Bond, clean irrevocable Letter of Credit, or a **Cash Bond in the amount of \$300.00**, which is attached hereto. It shall remain in effect for the duration of this permit. A new Bond shall be issued for each Permit obtained.
13. Permittee agrees to hold the City, its officers and employees harmless on account of any damages suffered to the persons or property of Contractor or Permittee arising out of their operations hereunder or the installation and maintenance of their facilities, utilities or improvements upon City-owned property. The Permittee agrees to defend and indemnify the City, its officers and employees from any damages claimed or adjudged against the City, its officers and employees arising out of Permittee's operations or installation and maintenance of Permittee's utilities, improvements, encroachment or facilities installed or maintained with City-owned property by Permittee.
14. Permittee agrees to properly maintain Permittee's encroachment, utilities, improvements or installations and shall be responsible to repair any damages to City property, street surfaces or improvements which result or are caused in any manner by the excavation, operation or maintenance of Permittee's encroachment, pursuant to this Permit.
15. In the event it is necessary to relocate any utility, facility or improvement of the Permittee installed on City property, pursuant to this Permit, on account of the change of any street grade, relocation, realignment or expansion of any street or other City improvements or property, or installation, replacement, maintenance or operation of any City property, utility or facility, the Permittee shall be responsible to relocate such facilities to a location approved by the City at the Permittee's sole expense.
16. The individuals signing on behalf of the Permittee and Contractor are hereby designated as agents for service of process on behalf of Permittee and Contractor.
17. In the event the City incurs any costs, including reasonable attorneys' fees, enforcing any provision of this Permit, the City may recover such costs from the Permittee.
18. All obligations, terms and conditions of this Permit upon Permittee shall be the joint and several obligations of the Permittee and Contractor.

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19. The Permittee and Contractor represent that they have read and understand the foregoing terms and conditions of this Permit, that they have read and understand the City requirements pertaining to the work being done under this Permit, and that the undersigned have authority to sign for and bind Permittee and Contractor. If the purpose of excavation is to install an initial water or sewer tap onto the City water or sewer main, a utility application will also be filled out by the property owner.
20. The work shall be conducted and encroachment maintained pursuant to the plans attached as Exhibit "A".
21. Any breach of the conditions set forth in this Permit, or of City standards, specifications or requirements pertaining to work authorized by this Permit may cause the revocation of the Permit and the stoppage of the work.
22. This Permit may be revoked by the City for any reason as deemed appropriate in the City's sole discretion. Upon revocation, any encroachment shall be removed and City property restored at Permittee's expense.
23. The additional conditions set out below shall apply.
 - a. This Permit is temporary and is subject to termination or revision as City regulations are revised to deal with telecommunications facilities.
 - b. Permittee shall pay the City annual rental as follows:

R-O-W Use \$ 0* /year

*City reserves the right to amend permit to include fee as deemed appropriate.



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Date: _____ * **[ONCE APPROVED: A MINIMUM OF 48 HOURS NOTICE TO THE PUBLIC WORKS DEPARTMENT IS REQUIRED PRIOR TO THE START OF THE EXCAVATION.] ***

The City of Delta hereby grants a revocable permit to the Permittee in accordance with the provisions of this Permit to do the following:

- ☐ Excavation as shown on Exhibit "A" (draw sketch on back)*
- ☐ Installation, operation and maintenance of an encroachment as described on Exhibit "A"
- ☐ Use of City power poles as described on Exhibit "A"
- ☐ Connection to City utility as shown on Exhibit "A"

Location of excavation (address): _____ *

Start date/time of excavation: _____ End date/time _____ *

EXCAVATION MUST BE STARTED WITHIN 30 DAYS OF THE ABOVE DATE OR PERMIT WILL EXPIRE.

Purpose of excavation: _____ *

<<A TRAFFIC CONTROL PLAN WILL BE REQUIRED FOR ANY WORK THAT WILL BE DONE ON ANY ROAD THAT MAY IMPACT TRAFFIC>>

***PERMITTEE:**

Name _____

Address _____

Telephone Number _____

***CONTRACTOR:**

Name _____

Address _____

Telephone Number _____



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I have read and understand all 1-23 items listed on the terms and conditions deemed for the issuance of an Excavation Right-of-Way Permit by the City of Delta. By signing below I certify the above statement to be true, that I have received a copy of the terms and conditions, and I agree to comply with all terms and conditions on this permit.

*** CONTRACTOR:**

OR

*** PERMITTEE:**

By _____

By _____

Date _____

Date _____

Approved by the City of Delta

City Manager or Appointed Official*

By _____

Date _____

(CITY USE ONLY)

DATE OF INSPECTION: _____ *

APPROVED [☐] **DISAPPROVED** [☐] _____ *

LOCATION OF TAP: _____

DEPTH OF TAP: _____ *

ASPHALT REPLACEMENT: [☐] YES [☐] NO *

NUMBER OF SQUARE FEET TO BE REPLACED: _____ *

TOTAL COST OF ASPHALT REPLACEMENT: \$ _____ *

COMMENTS: _____

PUBLIC WORKS DEPARTMENT